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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE: ONEJET, INC., <u>Debtor.</u> WOODY PARTNERS, et al., Plaintiffs, v. MATTHEW R. MAGUIRE, ESTATE OF PARTICK MAGUIRE, BOUSTEAD SECURITIES, LLC, MELVIN PIRCHESKY and ROBERT LEWIS, <u>Defendants.</u> ROSEMARY C. CRAWFORD, Chapter 7 Trustee, Movant, v. WOODY PARTNERS et al ¹ , Respondents.	Bankruptcy No. 2:18-bk-24070 Chapter 7 Adv. No. 19-02134 Related Dkt. No. 451
IN RE: ONEJET, INC., <u>Debtor.</u> ROSEMARY C. CRAWFORD, Chapter 7 Trustee, Plaintiff/Movant,	Bankruptcy No. 2:18-bk-24070 Chapter 7 Adv. No. 20-02175 Related Dkt. No. 112

¹ Due to the large number of Plaintiffs in Adversary Proceeding No. 19-02134, their names are not listed herein. Such information can be found on Exhibit A to the Adversary Complaint in the Woody Partners Action [see Docket No. 1-1].

<p>v.</p> <p>MATTHEW R. MAGUIRE; HEATHER R. MAGUIRE; JEAN ANN RIEKE; THE ESTATE OF PATRICK JAMES MAGUIRE; JEAN ANN RIEKE AS EXECUTRIX OF THE ESTATE OF PATRICK JAMES MAGUIRE; THE PATRICK JAMES MAGUIRE AND JEAN ANN RIEKE REVOCABLE TRUST; TRUST DOES 1-3; JEAN ANN RIEKE AS TRUSTEE OF THE PATRICK JAMES MAGUIRE AND JEAN ANN RIEKE REVOCABLE TRUST; MAGUIRE/MAGUIRE INCORPORATED; PRIMAIR VENTURE PARTNERS; SPINNAKER AIRCRAFT HOLDING, LLC (f/k/a ONE JET AIRCRAFT HOLDING, LLC); ELM AEROSPACE HOLDINGS, LLC; TRI-STATE CHARTER HOLDINGS, LLC; TRI-STATE CHARTER LEASING, LLC; TRI-STATE CHARTER, LLC; BANK OZK (f/k/a BANK OF THE OZARKS, INC.); and AIRCRAFT HOLDING COMPANY ONE, LLC,</p> <p style="text-align: center;">Defendants/Respondents.</p>	
<p>IN RE:</p> <p>ONEJET, INC.,</p> <p style="text-align: center;"><u>Debtor.</u></p> <p>ROSEMARY C. CRAWFORD, Chapter 7 Trustee,</p> <p style="text-align: center;">Plaintiff/Movant,</p> <p>v.</p> <p>BOUSTEAD SECURITIES, LLC; MELVIN PIRCHESKY; EAGLE VENTURES, INC.; and ROBERT CAMPBELL,</p> <p style="text-align: center;">Defendants/Respondents.</p>	<p>Bankruptcy No. 2:18-bk-24070</p> <p>Chapter 7</p> <p>Adv. No. 20-02172</p> <p>Related Dkt. No. 43</p>

**CONSENT ORDER: (I) CONSOLIDATING ADVERSARY
PROCEEDINGS FOR DISCOVERY; (II) DIRECTING MEDIATION;
(III) ESTABLISHING MEDIATION PLAN AND PROCEDURES; AND
(IV) IMPLEMENTING STAY OF PROCEEDINGS PENDING MEDIATION**

Pursuant to this Court's Conditional Order dated January 21, 2021, the parties in each of the above captioned Adversary Proceedings (collectively, the "Adversary Proceedings") (and together the "Parties") have met and conferred via emails and telephone calls among their respective counsel to discuss and negotiate the terms and conditions for the consolidation of the Adversary Proceedings for purposes of discovery (only), a stay of the Adversary Proceedings pending the conclusion of mediation, a joint plan for mediation and certain, limited pre-mediation discovery. The Parties have agreed to the terms and provisions set forth in this Consent Order. The Court finds the Parties agreed-upon terms to be reasonable and accordingly, it is hereby **ORDERED, ADJUDGED, and DECREED** as follows:

- a) **CONSOLIDATION OF ADVERSARY PROCEEDINGS FOR DISCOVERY.** The Adversary Proceedings shall be, and are hereby, consolidated for discovery purposes, only.
- b) **PRE-MEDIATION DISCLOSURES:** In order to prevent Parties from engaging in unnecessary pre-Mediation discovery and to promote efficiency, (1) Defendants Matthew R. Maguire, the Estate of Patrick James Maguire and Spinnaker Aircraft Holding, LLC agree to produce current financial documentation, including, but not limited to, a personal financial statement, a statement of assets and liabilities, a balance sheet, a profit & loss statement, a cash flow statement, and/or other similar financial documentation that evidences their financial/economic condition (the "Financial Capacity Information"). The Parties acknowledge and agree, and the Court hereby orders, that these Defendants will only be required to provide Financial Capacity Information to those

other Parties who execute an appropriate non-disclosure agreement (“NDA”) (which NDA shall provide for the disclosure/use of any Financial Capacity Information to the Mediator at or before the Mediation, at the Mediator’s discretion) and that the Financial Capacity Information will be kept strictly confidential pursuant to said NDA; and (2) the parties in adverse proceeding 20-02175 agree to cooperate with Bank OZK’s reasonable requests for records of the financial transactions related to the ownership and operation of Hawker Beechcraft 400XP jet registered as N488TM, prior to mediation, subject to Federal Rule of Civil Procedure 26, as applicable via Federal Rule of Bankruptcy Procedure 7026, the parties’ rights with respect to the “work product” doctrine and any applicable privilege, and any other limitations on discovery applicable in adversary proceedings generally.

c) MEDIATION: The Parties have agreed to mediate their disputes in the Adversary Proceedings, subject to the provisions of this Consent Order (the “Mediation”). The Parties have agreed to retain Joel M. Walker, Esq. to serve as the mediator (the “Mediator”). The Mediation shall be completed on or before 60 days after the date of this Consent Order. All Parties, their representative(s) with authority to settle, their counsel, and a representative of each of their insurer(s) shall attend the Mediation and participate in good faith. Notwithstanding the foregoing, and in light of the number of Plaintiffs in the Adversary Proceeding at 19-02134, the Plaintiffs in the Adversary Proceeding at 19-02134 are not required to individually attend the Mediation so long as any Plaintiff not attending the Mediation has provided another Plaintiff attending the Mediation with full settlement authority. A minimum of three (3) Plaintiffs in the Adversary Proceeding at 19-02134 are required to attend the Mediation. The Mediation

shall occur through remote technology. Matthew Maguire and Jean Ann Rieke, in her capacity as Executrix of the Estate of Patrick James Maguire, shall attend the mediation. No other party representative need attend for Heather Maguire, The Patrick James Maguire & Jean Ann Rieke Revocable Trust, Maguire/Maguire Inc., PrimAir Venture Partners, Spinnaker Aircraft Holding, LLC, or Elm Aerospace Holdings, Inc. All Local and Federal Rules of Bankruptcy Procedure, including but not limited to, W.PA.LBR 9019-2 through 9019-7 shall govern the Mediation. Pursuant to W.PA.LBR 9019-3(o), the Parties shall share equally the fees and expenses of the Mediator. However, Tri-State Charter Holdings, LLC, Tri-State Charter Leasing, LLC, and Tri-State Charter, LLC shall not be responsible for any fees and expenses of the Mediator or of the mediation.

d) FORM AND MANNER OF MEDIATION: Given the number of Parties involved, the Parties shall meet and confer with the Mediator to discuss and agree on the appropriate date(s), location, accommodations and form by which the Mediation will be conducted (i.e., in person, video/telephonic conference or both).

e) PROCEEDINGS STAYED: ALL proceedings in and relating to the above captioned Adversary Proceedings shall be, and hereby are, stayed pending the conclusion of the Mediation.

*Excluded from the stay is the Court's requirement that Boustead Securities, LLC file an answer to the complaint in Adversary No. 20-2172-GLT as previously directed by the Court's February 4, 2021 Order issued at Dkt. No. 41 in that case.



Hon. Gregory J. Taddonio *hct*
United States Bankruptcy Judge

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Matthew R. Maguire, Maguire/Maguire,
Incorporated, PrimAir Venture Partners, Jean
Ann Rieke, Spinnaker Aircraft Holding, LLC,
The Estate of Patrick James Maguire, and The
Patrick James Maguire and Jean Ann Rieke
Revocable Trust***

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